IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.28967 of 2008
ASHOK CHAUDHARY @ ASHOK SAMRAT, S/O LATE NAGESHWAR CHAUDHARY, R/O VILLAGE- PIRAPUR, P.S. JANDAHA
Versus
STATE OF BIHAR
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4 24/10/2008 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in a case which has been registered under sections 364, 394 of the Indian Penal Code in which sections 364A, 411 and 120 B of the Indian Penal Code was added later on.

It appears that Dr. Hadis was kidnapped and in that occurrence he was also fired upon and injured. The victim has been recovered later on. He has named this petitioner also as one of the person who was deeply involved in the kidnapping.

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Submission is that the victim doctor has not been made a witness. Up till now nine witnesses have been examined and none have supported the prosecution case. The prosecution is yet to examine eight witnesses so there is no likelihood that the case may conclude in near future.

It appears from the impugned order that the trial is going on and report of the court below shows that nine witnesses have been examined.

Considering the statement of the victim, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for bail is rejected.

However, the petitioner is at liberty to renew his prayer for bail in the court below after nine months from the date of receipt of the order in the court below.

avin **(Shyam Kishore Sharma, J.)**